

## REMARKS/ARGUMENTS:

Claims 1-41 are pending. Claims 1, 26, and 41 have been amended. No new matter has been added.

### *Rejections under Obviousness-type Double Patenting*

Applicant will file a terminal disclaimer in the event that Examiner upholds the non-obviousness-type double patenting for the claims as amended and indicates that the claims as amended are allowable.

### *Rejections under 35 U.S.C. § 103*

Claims 1, 15, 26, and 41 were rejected under 35 U.S.C. § 103(a) as obvious in view of Thacher et al. (U.S. Patent No. 5,917,725) (hereinafter “Thacher”). Claims 5-8, 12, 14, 37, and 39-40 were rejected under 35 U.S.C. § 103(a) as obvious in view of Thacher and Sarbin et al. (U.S. Patent No. 5,179,517) (hereinafter “Sarbin”). Claims 2-4 and 9-11 were rejected under 35 U.S.C. § 103(a) as obvious in view of Thacher and Luciano et al. (U.S. Patent No. 6,500,067) (hereinafter “Luciano”). Claims 13 and 38 were rejected under 35 U.S.C. § 103(a) as obvious in view of Thacher and Mish (U.S. Patent No. 6,254,006) (hereinafter “Mish”). Claims 16-25 and 27-36 were rejected under 35 U.S.C. § 103(a) as obvious in view of Thacher and Saunders et al. (U.S. Patent No. 6,340,331) (hereinafter “Saunders”).

It is respectfully submitted that the claims are not obvious for at least the following reasons.

By way of example, claim 1 recites:

A promotional device for effecting operation of a specific gaming application on a **wager-based gaming machine**, when the specific gaming application is available for play on the wager-based gaming machine, that is in communication with the promotional device, the **promotional device configured to store** 1) **indicia of credit applicable only to the specific gaming application**, 2) information used to identify a specific player to which operation of the specific gaming application and application of the indicia of credit is limited and 3) information used to identify the specific gaming application wherein the promotional device is configured to enable: 1) an identity of the specific player to be authenticated and 2) an availability of the specific gaming application to be determined prior to the indicia of credit being used on the wager-based gaming machine for only the specific gaming application.

(Emphasis Added).

Embodiments of claim 1 may provide certain benefits, as described for example in the application as filed at page 1, lines 22-23 through page 1, lines 1-7.

While this mechanism may be useful for generating customer loyalty to a particular venue or chain of venues, it has not been effective for **precisely directing customer behavior with respect to specific gaming machines** or groups of gaming machines. Instead, if a casino or gaming machine manufacturer wanted to encourage customers to play to a new game, only standard marketing mechanisms, e.g., signage, advertising, have typically been employed. As will be understood, **the fact that conventional promotional cards allow the customer to play any of the available gaming machines at a gaming establishment makes such cards ill-suited for promoting play of a specific gaming machine.**

It is therefore desirable to provide a mechanism by which use of a specific gaming machine or group of gaming machines may be promoted.

(Emphasis Added).

First, Thacher fails to disclose or suggest a promotional device configured to store indicia of credit applicable **only to a specific gaming application**. The Office Action seems to suggest that the description in Thacher of the use of credits at a video game machine at a particular address is analogous to “indicia of credit applicable only to the specific gaming application,” as recited in claim 1. (Office Action, page 10, lines 1-14). However, as discussed in the above-quoted passage, the claimed promotional device does not allow the customer to play any of the available game machines, but rather is configured to store indicia of credit applicable only to a specific gaming application, for example to promote the use of a new game or machine. By contrast, the credits described in Thacher seem to be generally applicable to different games and are **not** “applicable only to the specific gaming application,” as recited in claim 1.

For example, Thacher states that an attendant enters “the amount of credit” into a terminal, (Col. 6, lines 16-18) and that the amount of credit “can be either an actual money value or can be specific game units.” (Col. 6, lines 19-20). However, according to Thacher, “Use of actual money value can facilitate the players playing games having different playing cost values.” (Col. 6, lines 21-23). Using actual money value and facilitating the play of games having different playing costs values suggests that the credits are **not** “applicable only to the specific gaming application,” as recited in claim 1. Thacher also states that “In the case of game units, this assumes that each of the games has the same or a multiple thereof playing value.” (Page 6, lines 23-25). Application of the game units to different games that have the same or a multiple thereof playing value also suggests that the credits are **not** “applicable only to the

specific gaming application,” as recited in claim 1, since many different games may have the same or a multiple thereof playing value.

As another example, Thacher does describe credits for use in playing a game in a tournament. (Col. 6, lines 10-28). However, nowhere does Thacher state that the credits are applicable only to a specific gaming application. Instead, Thacher states that “Until now, however, it was not reasonably possible to allow players of different kinds of games to enter the same tournament. As one of the advantages of the present invention, such a tournament is facilitated.” (Col. 1, lines 23-27). Additionally, Thacher states that “Some of the players may already have had numbers assigned from previous tournaments, and may already have some credits remaining.” (Col. 6, lines 29-31). The description in Thacher that credits may be used for different kinds of games and for different tournaments further suggests that the credits are **not** “applicable only to the specific gaming application,” as recited in claim 1.

Second, Thacher fails to disclose or suggest a wager-based gaming machine. Thacher does disclose that a tournament can have a prize value. (Col. 6, line 28). However, there is no indication that any aspect of the “tournament data system” (Title) described in Thacher is adapted for use with wager-based games. Thus, Thacher fails to disclose or suggest “A promotional device for effecting operation of a specific gaming application on a wager-based gaming machine,” as recited in claim 1.

Third, Thacher fails to disclose or suggest a promotional device configured to store the information described in claim 1. Thacher does describe a “credit card.” (Page 6, line 14). However, Thacher only describes storing a “number” on the card. (Page 6, line 14). Nowhere does Thacher disclose or suggest, for example, that this number may be used to identify the specific gaming application to which the application of the credits is limited.

Sarbin, Luciano, Mish, and Saunders are not cited in the Office Action as disclosing or suggesting any feature of an independent claim. Sarbin describes a system in which a pre-paid debit card or credit card may be used in lieu of cash. (Abstract). Luciano relates to a voucher gaming system in which “a player may play by using or being awarded vouchers or tickets rather than cash.” (Title; Col. 1, lines 11-12). Mish relates to wireless communication devices and methods of forming wireless communication devices. (Abstract). Saunders describes a cashless peripheral device connecting to a gaming system. (Abstract). None of these references, considered alone or in combination, disclose or suggest the features recited in claim one discussed above.

Thus, Thacher fails to disclose or suggest several of the above-quoted features recited in claim 1. Therefore, claim 1 is not obvious in view of Thacher. Independent claims 15, 26, and 41 recites features similar to claim 1 and thus are not obvious for at least the reasons set forth above.

The dependent claims include all of the features of the independent claims on which they are based and therefore are not obvious for at least the reasons set forth above. Thus, it is respectfully requested that the rejections of the claims under 35 U.S.C. § 103(a) be withdrawn.

### **CONCLUSION**

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,

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